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the highest respect for its scientific presentation of the law as it exists and its statesmanlike discussion of the law as it should be: masterly induction and generalization (e. g. Secs. 827, 908, 924, 1443, 1649) combined with acute analysis and criticism of doctrines deemed errant (e. g. Secs. 249, 289, 320, 1194, 1261, 1281, 1714-16).

The fifth edition is less a revision of the fourth than a reprint with an extended supplement. 1338 pages are expanded to 3064. Of this increase, 520 pages are occupied with entirely new chapters dealing with problems arising from the municipal management of public utilities, constitutional limitations on the power of municipalities to incur debts, and constitutional prohibitions against special legislation relating to cities. Approximately 900 pages of text and accompanying notes are required for new sections on minor topics and points not treated in the fourth edition, leaving only about 300 pages of the increase devoted to the expansion of previously published sections and notes. These new sections and chapters are rendered necessary by the enormous increase in the last twenty years of legislative and constitutional enactments relating to cities, and the changes in functions and business methods prompted by the demands of present conditions and by increasing standards of efficiency. The more important of the added sections relate to civil service laws and pension legislation; liability and removal of officers; statutory requirements with respect to municipal contracts, including formalities in connection with bids, stipulations as to hours of labor and employment of union labor, contractor's bonds and the claims of laborers and material men; the taxation of inter-state commerce; the application of the foot-frontage rule to the apportionment of benefits in levying special assessments; problems arising from the recent extensions of the use of the streets and from the expanding control of municipalities over private property and private action under the exercise of the police power; and questions relating to the validity of municipal bonds, including the implied power to issue negotiable securities, statutory requirements as to their issue, and the development of the law of the last two decades upon the topic of estoppel by recitals.

These additions to the text of the fourth edition are not of uniform excellence. Some are on a par with the best work of previous editions (e. g. Secs. 922 *et seq.*, 1125-28) while others incline one to infer the aid of editorial assistants less gifted than the learned author. On the whole, however, the new matter of the fifth edition presents an adequate and comprehensive exposition of the existing law upon the topics treated. The revision has afforded us a work of greatly increased utility without substantial discredit to the general standard of scientific merit which gave the former editions their high place in the ranks of legal literature.

T. R. P.

THE PANAMA CANAL: A Study in International Law and Diplomacy. By HARMODIO ARIAS, B. A., LL. B. London: P. S. KING & SON. 1911. pp. xvi, 192.

This volume purports to give a survey of the diplomatic antecedents of the Panama Canal, followed by a discussion of its position in international law. The survey is sufficient for the author's purposes, and correctly shows that the idea of exclusive American control of inter-oceanic ways was not the view originally held by the United States but that it developed gradually as the latter became conscious of its

predominant power in the Western Hemisphere. Some of his forms of expression indicate a certain unfamiliarity with the personnel and methods of American politics, as when he speaks of "the appointment of Mr. Grant as President of the United States;" but American readers at any rate will recall that a military character bearing that name was formerly elected President. When we reach the author's legal discussions it is more difficult to follow him. The great questions he treats in this part of his book are whether the canal is neutralized, and whether fortification is compatible with neutralization. The latter question is, however, of less importance than the former, since, if the canal is not neutralized, no possible inconsistency arises. But is the Panama Canal neutralized? At the outset, the author quotes Professor Holland to the effect that "to neutralize is to bestow by convention a neutral character upon states, persons, and things which would or might otherwise bear a belligerent character." This is definite and intelligible. Further on, however, he says it has with truth been suggested that the successful application of neutralization depends "upon the existence of a state of mind among the rulers and peoples concerned, which shall make them willing not only to respect the guarantee of neutrality themselves, but also to enforce it against others." This statement, if confined to the question of "successful application," might be considered as a truism; but the author adds, "Neutralization which has not been established in this way cannot be said to have any legal force." This obviously leaves us in the realm of conjecture. A wit once remarked that Boston was not a place but a state of mind; but this *bon mot* has not been adopted by geographers. After comparing the stipulations that have been made with reference to the Suez and Panama canals, the author observes that "it seems impossible to avoid the conclusion that their position in law will be exactly the same." What is this position? He describes it thus:—

"From the purely *legal* standpoint, it must be stated in an unequivocal manner that in theory the belligerent vessels of a potential enemy of the United States are entitled to cross the canal unmolested. . . . From the point of view of fact, it would be impossible for a nation at war with the United States to send its belligerent vessels through the canal. . . . In theory, all British enemies are entitled to pass through Suez. But matters are different in practice, for it would mean utter ruin to the belligerent vessels of a nation at war with Great Britain if they attempted to use the canal whilst the latter power holds impregnable positions at the approaches of the route."

This comparison is not by any means so accurate as the author supposed it to be, for, if we accept the theory that both canals are "neutralized," the fortifications on the Panama Canal would, unless offensively used, be exempt from attack, while no one imagines that the impregnable "approaches" to the Suez Canal—Gibraltar, Malta, and Bab-el-Mandeb, as the author enumerates them—are in any respect immune. It is superfluous, however, to discuss details of this kind, when we are told that the supposed "legal" situation is a mere abstraction. Mill was quite right in deprecating the too common fallacy that "theory" means something at variance with "practice." This fallacy is nowhere less admissible than in legal relations.

J. B. M.